

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

OCT 31 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)	EB Docket No. 07-197
)	
Kurtis J. Kintzel, Keanan Kintzel, and all)	File No. EB-06-IH-5037
Entities by which they do business before)	NAL/Acct. No. 200732080029
the Federal Communications Commission)	
)	FRN No. 0007179054
)	

To: Avatar Enterprises, Inc.

**ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF FACTS
AND GENUINENESS OF DOCUMENTS TO AVATAR ENTERPRISES, INC.**

The Enforcement Bureau (the "Bureau"), pursuant to section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within 10 days of service of this request, Avatar Enterprises, Inc. ("Avatar"), admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response.

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Definitions

For this document, the following definitions apply:

“Avatar” means Avatar Enterprises, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Buzz Telecom and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

“BOI” means Business Options, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, Avatar, Buzz Telecom and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

“Buzz” means Buzz Telecom Corporation, any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Avatar and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

“Commission” means Federal Communications Commission.

“Companies” means BOI, Buzz, Avatar and US Bell, or any one of those entities.

“US Bell” means U.S. Bell, Inc., its successor Link Technologies, any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Avatar and Buzz, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

Admissions

1. Avatar is bound by a consent decree between the Commission and BOI dated on or about February 13, 2004 (the “Consent Decree”) in connection with a proceeding under EB Docket No. 03-85.

2. Kurtis J. Kintzel is a director of Avatar.

3. Kurtis J. Kintzel has been a director of Avatar during the period February 11, 2004 through the present.

4. Kurtis J. Kintzel holds a 72 percent equity interest in Avatar.

5. Kurtis J. Kintzel has held a majority equity interest in Avatar from February 11, 2004 through the present.

6. Keanan Kintzel is a director of Avatar.

7. Keanan Kintzel has been a director of Avatar during the period February 11, 2004 through the present.

8. Keanan Kintzel holds a 26 percent equity interest in Avatar.

9. Keanan Kintzel has held a minority equity interest in Avatar from February 11, 2004 through the present.

10. Avatar was an affiliate of BOI during the period February 11, 2004 through the present.

11. Avatar was an affiliate of Buzz during the period February 11, 2004 through the present.

12. Avatar was an affiliate of US Bell during the period February 11, 2004 through the present.

13. Avatar, BOI, Buzz, US Bell and Link Technologies have been affiliates during the period February 11, 2004 through the present.

14. Avatar has not made all monthly payments toward the voluntary contribution due under the terms of the Consent Decree.

15. The Companies have not made all monthly payments toward the voluntary contribution due under the terms of the Consent Decree.

16. Avatar failed to make the payment toward the \$510,000 voluntary contribution that was due in June 2005.

17. The Companies failed to make the payment toward the \$510,000 voluntary contribution that was due in June 2005.

18. Avatar failed to make the payments toward the \$510,000 voluntary contribution that were due in each of August 2005 through April 2006.

19. The Companies failed to make the payments toward the \$510,000 voluntary contribution that were due in each of August 2005 through April 2006.

20. Avatar has made no payments toward the \$510,000 voluntary contribution since its May 2006 installment payment.

21. The Companies have made no payments toward the \$510,000 voluntary contribution since the May 2006 installment payment.

Respectfully submitted,

A handwritten signature in black ink, reading "Michele Levy Berlove", is written over a horizontal line.

Kris Anne Monteith
Chief, Enforcement Bureau

Michele Levy Berlove
Attorney, Investigations and Hearings Division

Judy Lancaster
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
October 31, 2007

CERTIFICATE OF SERVICE

Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 31st day of October, 2007, sent by first class United States mail copies of the foregoing **Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents to Avatar Enterprises, Inc.** to:

Catherine Park, Esq.
2300 M Street, NW, Suite 800
Washington, D.C. 20037

Counsel for Kurtis J. Kintzel, Keanan Kintzel, Business
Options, Inc., Buzz Telecom Corporation, US Bell, Inc., Link
Technologies and Avatar Enterprises

A copy of the foregoing was also served via hand-delivery to:

Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054



Rebecca Lockhart